

**ASSEMBLY BILL**

**No. 2047**

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**Introduced by Assembly Member Huff**

February 15, 2006

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An act to amend Section 47614.5 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2047, as introduced, Huff. Charter schools: facilities: grants.

Existing law established the Charter School Facility Grant Program, administered by the State Department of Education, for the purpose of providing assistance with facilities rent and lease costs, as specified, for pupils in charter schools. Existing law provides that, subject to the annual Budget Act, eligible schools are to receive an amount of up to \$750 per unit of average daily attendance to reimburse an amount of up to 75% of the annual facilities rent and lease costs for the charter school, and requires the Superintendent of Public Instruction, for any fiscal year in which the funds appropriated in the annual Budget Act are insufficient to fully fund the approved amounts, to apportion the available funds on a pro rata basis.

This bill would specify that, for the 2006–07 fiscal year and each fiscal year thereafter, the program is to be funded at the level appropriated in the annual Budget Act, or other statute.

The bill would delete other obsolete references in existing law.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 47614.5 of the Education Code is amended to read:

47614.5. (a) The Charter School Facility Grant Program is hereby established and shall be administered by the ~~State Department of Education~~ *department*. This grant program is intended to provide assistance with facilities rent and lease costs for pupils in charter schools.

(b) Subject to the annual Budget Act, eligible schools shall receive an amount of up to, but no more than, seven hundred fifty dollars (\$750) per unit of average daily attendance, as certified at the second principal apportionment, to reimburse an amount of up to, but no more than, 75 percent of the annual facilities rent and lease costs for the charter school. In any fiscal year, if the funds appropriated for the purposes of this section by the annual Budget Act are insufficient to fund the approved amounts fully, the ~~Superintendent of Public Instruction~~ shall apportion the available funds on a pro rata basis.

(c) The ~~State Department of Education~~ *department* shall do all of the following:

(1) Inform charter schools of this program.

(2) Upon application by a charter school, determine eligibility, based on the geographic location of the charter schoolsite, pupil eligibility for free or reduced price meals, and a preference in admissions, as appropriate. Eligibility for funding may not be limited to the grade level or levels served by the school whose attendance area is used to determine eligibility. Charter schoolsites are eligible for funding pursuant to this section if the charter schoolsite meets either of the following conditions:

(A) The charter schoolsite is physically located in the attendance area of a public elementary school in which 70 percent or more of the pupil enrollment is eligible for free or reduced priced meals and the schoolsite gives a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter schoolsite is located.

(B) Seventy percent or more of the pupil enrollment at the charter schoolsite is eligible for free or reduced price meals.

(3) Inform charter schools of their grant eligibility.

1 (4) Reimburse charter schools for eligible expenditures in a  
2 timely manner.

3 ~~(5) No later than June 30, 2005, report to the Legislature on~~  
4 ~~the number of charter schools that have participated in this grant~~  
5 ~~program under the expanded eligibility prescribed in paragraph~~  
6 ~~(2). In addition, the report shall provide recommendations and~~  
7 ~~suggestions on improving the program.~~

8 (d) Funding pursuant to this section may not be apportioned  
9 for the following:

10 (1) Units of average daily attendance generated through  
11 nonclassroom-based instruction as defined by paragraph (2) of  
12 subdivision (d) of Section 47612.5 or that does not comply with  
13 conditions or limitations set forth in regulations adopted by the  
14 ~~State Board of Education~~ *state board* pursuant to this section.

15 (2) Charter schools occupying existing school district or  
16 county office of education facilities.

17 (3) Charter schools receiving reasonably equivalent facilities  
18 from their chartering authority pursuant to Section 47614.

19 (e) Funds made available pursuant to this section shall be used  
20 for costs associated with facilities rents and leases, consistent  
21 with the definitions used in the California School Accounting  
22 Manual. These funds may also be used for costs, including, but  
23 not limited to, costs associated with remodeling buildings,  
24 deferred maintenance, initially installing or extending service  
25 systems and other built-in equipment, and improving sites.

26 (f) If an existing charter school located in an elementary  
27 attendance area in which less than 50 percent of pupil enrollment  
28 is eligible for free or reduced price meals relocates to an  
29 attendance area identified in paragraph (2) of subdivision (c),  
30 admissions preference shall be given to pupils who reside in the  
31 elementary school attendance area into which the charter school  
32 is relocating.

33 (g) For each fiscal year, the Superintendent ~~of Public~~  
34 ~~Instruction~~ shall annually report to the ~~State Board of Education~~  
35 *state board* regarding the use of any funds that have been made  
36 available to each charter school from the grant program  
37 established pursuant to this section.

38 ~~(h) It is the intent of the Legislature that ten million dollars~~  
39 ~~(\$10,000,000) be appropriated for the Charter School Facility~~

- 1 ~~Grant Program for the grants authorized under this section for the~~  
2 ~~2001–02, 2002–03, and 2003–04 fiscal years.~~  
3 *(h) For the 2006–07 fiscal year and each fiscal year thereafter,*  
4 *the Charter School Facility Grant Program shall be funded at*  
5 *the level appropriated in the annual Budget Act, or other statute.*